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EXPRESS MAIL NO. EL897872623US

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

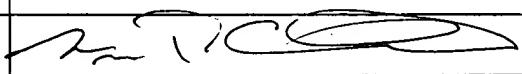
Application Number	09/912,266
Filing Date	July 24, 2001
First Named Inventor	James E. Fleming
Group Art Unit	1743
Examiner Name	Not Yet Assigned
Attorney Docket No.	390054.402

### ENCLOSURES (check all that apply)

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement; Forms PTO-1449<br><input type="checkbox"/> Cited References<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Request for Corrected Filing Receipt<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address<br><input checked="" type="checkbox"/> Declaration (2 pages)<br><input checked="" type="checkbox"/> Statement under 37 CFR 3.73(b)<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> CD(s), Number of CD(s) _____<br><input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Return Postcard<br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):<br><u>Copy of Assignment; Part 2 of Notice to File Missing Parts</u><br><hr/> <hr/> <hr/> |
|--|--|--|

### Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	William T. Christiansen, Ph.D.	 00500 PATENT TRADEMARK OFFICE
Signature		
Date	11/30/01	



EXPRESS MAIL NO. EL897872623US

Approved for use through 10/31/2002, OMB 0651-0032 PTO/SB/17 (11-00)

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)  
**817**

Complete if Known	
Application Number	<b>09/912,266</b>
Filing Date	<b>July 24, 2001</b>
First Named Inventor	<b>James E. Fleming</b>
Examiner Name	
Group Art Unit	<b>1743</b>
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METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																		
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number <b>19-1090</b></p> <p>Deposit Account Name <b>Seed Intellectual Property Law Group PLLC</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 and credit any overpayment to Deposit Account Number above.</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th colspan="4">Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td colspan="4">Surcharge - late filing fee or oath</td> <td>65</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td colspan="4">Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td colspan="4">Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td colspan="4">For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td colspan="4">Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td colspan="4">Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td colspan="4">Extension for reply within first month</td> <td>55</td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td colspan="4">Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td colspan="4">Extension for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1,440</td> <td>218</td> <td>720</td> <td colspan="4">Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1,960</td> <td>228</td> <td>980</td> <td colspan="4">Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td colspan="4">Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td colspan="4">Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td colspan="4">Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td colspan="4">Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td colspan="4">Petition to revive – unavoidable</td> <td></td> </tr> <tr> <td>141</td> <td>1,280</td> <td>241</td> <td>640</td> <td colspan="4">Petition to revive – unintentional</td> <td></td> </tr> <tr> <td>142</td> <td>1,280</td> <td>242</td> <td>640</td> <td colspan="4">Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143</td> <td>460</td> <td>243</td> <td>230</td> <td colspan="4">Design issue fee</td> <td></td> </tr> <tr> <td>144</td> <td>620</td> <td>244</td> <td>310</td> <td colspan="4">Plant issue fee</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td colspan="4">Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td colspan="4">Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td colspan="4">Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>581</td> <td>40</td> <td>581</td> <td>40</td> <td colspan="4">Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146</td> <td>740</td> <td>246</td> <td>370</td> <td colspan="4">Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>149</td> <td>740</td> <td>249</td> <td>370</td> <td colspan="4">For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>179</td> <td>740</td> <td>279</td> <td>370</td> <td colspan="4">Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td colspan="4">Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> <td colspan="4"></td> <td></td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="4">SUBTOTAL (3) (\$ 120)</td> <td></td> </tr> </tbody> </table>				Large Entity	Small Entity							Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description				Fee Paid	105	130	205	65	Surcharge - late filing fee or oath				65	127	50	227	25	Surcharge - late provisional filing fee or cover sheet					139	130	139	130	Non-English specification					147	2,520	147	2,520	For filing a request for ex parte reexamination					112	920*	112	920*	Requesting publication of SIR prior to Examiner action					113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action					115	110	215	55	Extension for reply within first month				55	116	400	216	200	Extension for reply within second month					117	920	217	460	Extension for reply within third month					118	1,440	218	720	Extension for reply within fourth month					128	1,960	228	980	Extension for reply within fifth month					119	320	219	160	Notice of Appeal					120	320	220	160	Filing a brief in support of an appeal					121	280	221	140	Request for oral hearing					138	1,510	138	1,510	Petition to institute a public use proceeding					140	110	240	55	Petition to revive – unavoidable					141	1,280	241	640	Petition to revive – unintentional					142	1,280	242	640	Utility issue fee (or reissue)					143	460	243	230	Design issue fee					144	620	244	310	Plant issue fee					122	130	122	130	Petitions to the Commissioner					123	50	123	50	Petitions related to provisional applications					126	180	126	180	Submission of Information Disclosure Stmt					581	40	581	40	Recording each patent assignment per property (times number of properties)					146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))					149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))					179	740	279	370	Request for Continued Examination (RCE)					169	900	169	900	Request for expedited examination of a design application					Other fee (specify) _____									*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 120)				
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\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY			
Name (Print/Type)	William T. Christiansen, Ph.D.	Registration No. Attorney/Agent)	<b>44,614</b>
Firm Name/Address			
Signature		Date	November 30, 2001

**00500**

PATENT TRADEMARK OFFICE



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James E. Fleming et al.  
Application No. : 09/912,266  
Filed : July 24, 2001  
For : METHOD AND APPARATUS FOR VIABLE AND NONViable  
PROKARYOTIC AND EUKARYOTIC CELL QUANTITATION

Art Unit : 1743  
Docket No. : 390054.402  
Date : November 30, 2001

Box Missing Parts  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Commissioner for Patents:

In response to the Notice to File Missing Parts dated August 31, 2001, please find enclosed the following documents:

- Fee  
 Oath/Declaration  
 Copy of Notice to File Missing Parts  
 Election and Power of Attorney (+copy of Assignment)

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC



William T. Christiansen, Ph.D.  
Registration No. 44,614



O P E U C I A  
NOV 3 0 2001  
UNITED STATES PATENT AND TRADEMARK OFFICE

# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/912,266	07/24/2001	James E. Fleming	390054.402

## CONFIRMATION NO. 4134

00500  
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 6300  
SEATTLE, WA 98104-7092

## FORMALITIES LETTER



\*OC00000006503314\*

Date Mailed: 08/31/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

#### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$317.
  - \$117 for 13 total claims over 20.
  - \$200 for 5 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 737.**

12/12/2001 AGENT# 00000048 09912266  
01 FC:201  
02 FC:202  
03 FC:203  
04 FC:205

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

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